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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

**CHANGE TRANSMITTAL SHEET**

- ☐ DIRECTIVE  
☐ REVISION  
☐ AMENDMENT  
☒ OTHER

CHANGE 96-5  
MEAT AND POULTRY INSPECTION REGULATIONS

96-5

10/21/96

**I. PURPOSE**

This document transmits a change to Parts 318, 319 and 381 of the MPI Regulations. This change was published in the Federal Register on November 3, 1995 (60 FR 55982, Docket No. 93-008F), titled Poultry Products Produced by Mechanical Separation and Products In Which Such Poultry Products Are Used.

**II. CHANGES**

**SUBCHAPTER A - MANDATORY MEAT INSPECTION**

Remove

Pages 99, 100, 142a, 143 and 144

Insert

Pages 99, 100, 142a, 143 and 144

**SUBCHAPTER C - MANDATORY POULTRY PRODUCTS INSPECTION**

Pages iii, iv, v, vi, 12e, 13,  
14, 57, 58, 59, 59a, 97, and 98

Pages iii, iv, v, vi, 12e, 13,  
14, 57, 58, 59, 59a, 97, 98, 98a  
and 98b

**EFFECTIVE DATE: 11/4/96**

*[Signature]*

Paula M. Cohen, Director  
Regulations Development  
Policy, Evaluation and Planning Staff

Attachment

This covers changes effective as of November 4, 1996.

DISTRIBUTION: M91, M93, M94, M95, CM3,  
S03, ABB, TRA, PRD,  
Inspection Offices

OPI: RP



papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(4) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(5) Testicles if handled as an edible product may be shipped from the official establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(7) Blood from livestock prepared in accordance with § 310.20 of this subchapter may be used as an ingredient of a meat food product for which a standard is prescribed in Part 319 of this subchapter, if permitted by such standard, and may be used in any meat food product for which no such standard is prescribed in Part 319 of this subchapter if it is a common and usual ingredient of such product.

(8) Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in Part 319 of this subchapter and shall not be used in other products unless the products are labeled in accordance with § 317.8(b)(3) of this subchapter.

(9) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the Department under the regulations in 7 CFR Part 59 or 9 CFR Part 362 or 381 and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

(10) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

(11) (Reserved)

(12) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in § 318.16.

\* (13) Use of "Mechanically Separated (Kind of Poultry)," as defined in \*  
\* § 381.173 of this chapter, in the preparation of meat food products shall \*  
\* accord with § 381.174 and all other applicable provisions of this \*  
\* subchapter. \*

§ 318.7 Approval of substances for use in the preparation of products.

(a) (1) No chemical substance may be used in the preparation of any product unless it is approved in this part or Part 319 of this subchapter or by the Administrator in specific cases.



(2) Approval of new substances or new uses or new levels of use of approved substances may be granted by the Administrator if:

(i) The substance has been previously approved by the Food and Drug Administration (FDA) for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 179, 182 and 184.

(ii) Its use is in compliance with applicable FDA requirements; and

(iii) The Administrator has determined that:

(A) The use of the substance will not render the product in which it is used adulterated or misbranded or otherwise not in compliance with the requirements of the Act; and

(B) Its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the stated technical effect as determined in specific cases.

(3) Whenever the Administrator determines that approval of a new substance or new use or new level of use of an approved substance should be granted in accordance with paragraph (a)(2) of this section, the Administrator shall issue a final rule amending the chart of substances in paragraph (c)(4) of this section to include the additional substance or new use of the substance, and any technical effect or change in level of use of the substance.

(4) No product shall bear or contain any substance which would render it adulterated or misbranded which is not approved in Part 318 or Part 319 of this subchapter or by the Administrator in specific cases.

(b) Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon. Nitrates shall not be used in curing bacon.

(1) Pumped bacon: With respect to bacon injected with curing ingredients and massaged bacon: Sodium nitrite shall be used at 120 parts per million (PPM) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

(2) The Department shall collect samples of pumped bacon from producing plants and analyze them for the level of nitrosamines by the thermal energy analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in pumped bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, however, an establishment furnishes USDA

(c) If Italian sausage products are cooked or smoked, determination of compliance with the provisions of paragraphs (a) and (b) of this section shall be based on the uncooked or unsmoked product. The product before cooking or smoking shall contain no more than 3 percent water as specified in paragraph (b)(2) of this section. Product which is cooked shall be labeled with the word "cooked" in the product name, such as "Cooked Italian Sausage" or "Cooked Cured Italian Sausage." Product which is smoked shall be labeled with the word "smoked" in the product name, such as "Smoked Italian Sausage" or "Smoked Cured Italian Sausage." The words "cooked" and "smoked" shall be displayed on the product label in the same size and style of lettering as other words in the product name.

#### Subpart F-Uncooked, Smoked Sausage

##### § 319.160 Smoked pork sausage.

"Smoked Pork Sausage" is pork sausage that is smoked with hardwood or other approved nonresinous materials. It may be seasoned with condimental substances as permitted in Part 318 of this subchapter. The finished product shall not contain more than 50 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

#### Subpart G-Cooked Sausage

##### § 319.180 Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar products.

(a) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages are comminuted, semi-solid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle meat and raw or cooked poultry meat, and seasoned and cured, using one or more of the curing agents in accordance with § 318.7(c) of this chapter. They may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing ingredients but the sausage shall contain no more than 40 percent of a combination of fat and added water. These sausage products may contain only phosphates approved under Part 318 of this chapter. Such products may contain raw or cooked poultry meat and/or Mechanically Separated (Kind of Poultry) without skin and without kidneys and sex glands used in accordance with § 381.174, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and Mechanically Separated (Species) used in accordance with § 319.6. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 381.118 of this chapter.

(b) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages that are labeled with the phrase "with byproducts" or "with variety meats" in the product name are comminuted, semi-solid sausages consisting of not less than 15 percent of



one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured, using one or more of the curing ingredients in accordance with § 318.7(c) of this chapter. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15 percent of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 40 percent of a combination of fat and added water. These sausage products may contain only phosphates approved under Part 318 of this chapter. These sausage products may contain poultry products and/or Mechanically Separated (Kind of Poultry) used in accordance with § 381.174, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and may contain Mechanically Separated (Species) used in accordance with § 319.6. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in § 381.117(d) of this chapter. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 381.118 of this chapter. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage in accordance with § 317.2 of this chapter.

(c) A cooked sausage as defined in paragraph (a) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. When such sausage products are prepared with meat from a single species of cattle, sheep, swine, or goats they shall be labeled with the term designating the particular species in conjunction with the generic name; e.g., "Beef Frankfurter," and when such sausage products are prepared in part with Mechanically Separated (Species) in accordance with § 319.6, they shall be labeled in accordance with § 317.2(j)(13) of this subchapter.

(d) A cooked sausage as defined in paragraph (b) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase "with byproducts" or "with variety meats" with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.

(e) One or more of the binders and extenders as provided in § 318.7(c)(4) of this subchapter may be used in cooked sausage otherwise complying with paragraph (a) or (b) of this section. When any such substance is added to these products, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance.

(f) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (Species)," or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat.



(g) For the purposes of this section: Poultry meat means deboned chicken meat or turkey meat, or both, without skin or added fat; poultry products mean chicken or turkey, or chicken meat or turkey meat as defined in § 381.118 of this chapter, or poultry byproducts as defined in § 381.1 of this chapter; and meat byproducts (or variety meats) mean pork stomachs or snouts; beef, veal, lamb or goat tripe; beef, veal, lamb, goat or pork hearts, tongues, fat, lips, weasands and spleens; and partially defatted pork fatty tissue, or partially defatted beef fatty tissue.

§ 319.181 Cheesefurters and similar products.

"Cheesefurters" and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain binders and extenders as provided in § 318.7(c)(4) of this subchapter. Limits on use as provided in § 318.7 are intended to be exclusive of the cheese constituent. When any such substance is added to these products, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance. These products shall contain no more than 40 percent of a combination of fat and added water, and no more than 30 percent fat and shall comply with the other provisions for cooked sausages that are in this subchapter.

• § 319.182 Braunschweiger and liver sausage or liverwurst.

(a) "Braunschweiger" is a cooked sausage made from fresh, cured and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, and/or veal livers computed on the weight of the fresh livers. It may also contain pork and/or beef fat. Mechanically Separated (Species) may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. The product may have a smoked taste characteristic, which may be imparted by use of smoked meats, smoke flavoring or smoking. If prepared from components of a single species, the product name may reflect the species, e.g., "Beef Braunschweiger. Braunschweiger may also be labeled as any of the following: "Braunschweiger--A Liver Sausage," "Braunschweiger--A Liverwurst," or "Braunschweiger (Liver Sausage)" or "Braunschweiger (Liverwurst)."

(b) "Liver Sausage" or "Liverwurst" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, veal, sheep, and/or goat livers computed on the weight of the fresh livers. It may also contain pork and/or beef byproducts. Mechanically Separated (Species) may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. If prepared from components of a single species, the product name may reflect that species, e.g., "Pork Liver Sausage."

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not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

(5) The Administrator may withdraw or modify the exemption set forth in § 381.10(e)(1) for a particular establishment when he or she determines that such action is necessary to ensure food safety and public health. Before such action is taken, the owner or operator of the particular establishment shall be notified, in writing, of the reasons for the proposed action and shall be given an opportunity to respond, in writing, to the Administrator within 20 days after notification of the proposed action. The written notification shall be served on the owner or operator of the establishment in the manner prescribed in section 1.147(b) of the Department's Uniform Rules of Practice (7 CFR 1.147(b)). In those instances where there is conflict of any material fact, the owner or operator of the establishment, upon request, shall be afforded an opportunity for a hearing with respect to the disputed fact, in accordance with rules of practice which shall be adopted for the proceeding. However, such withdrawal or modification shall become effective pending final determination in the proceeding when the Administrator determines that an imminent threat to food safety or public health exists, and that such action is, therefore, necessary to protect the public health, interest or safety. Such withdrawal or modification shall be effective upon oral or written notification, whichever is earlier, to the owner or operator of the particular establishment as promptly as circumstances permit. In the event of oral notification, written confirmation shall be given to the owner or operator of the establishment as promptly as circumstances permit. This withdrawal or modification shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Administrator.

(6) The adulteration and misbranding provisions of the Act and the regulations apply to articles which are exempted from inspection under § 381.10(e).

#### § 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific provisions of the Act or regulations which are in conflict with such religious dietary laws. Any person desiring such an exemption shall apply in writing to the Meat and Poultry Inspection Program, Food Safety and Inspection Service, Department of Agriculture, Washington, D.C. 20250, setting forth the specific provisions of the Act and the regulations from which exemption is sought and setting forth the provisions of the religious dietary laws in support of the requested exemption. In addition, the applicant for such an exemption shall submit a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved, which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and certifies that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

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(b) The Administrator, upon a determination that an exemption should be granted, will grant such exemption to the extent necessary to avoid conflict with the religious requirements while still effectuating the purposes of the Act. He may impose such conditions as to sanitary standards, practices, and procedures in granting such exemption as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under exemption from certain requirements as provided in this section shall be subject to all of the other applicable provisions of the Act and the regulations. Processing plants shall meet the sanitary requirements set forth in this part and unless exempted from inspection under the provisions of this subpart, shall be required to qualify for inspection and operate as official establishments. Slaughtered poultry which is prepared under an exemption authorizing the sale of noneviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervision the poultry was slaughtered.

§ 381.12 Effect of religious dietary laws exemptions on other persons.

Whenever a slaughterer or processor is granted an exemption under § 381.11 with respect to the slaughtering or processing of any poultry or poultry products under this part, under specified conditions, the sale, offer for sale, transportation and other handling in commerce by any person of such poultry and poultry products in accordance with such conditions is hereby authorized, except as restricted by the Act.

§ 381.13 Suspension or termination of exemptions.

(a) The Administrator may, by order, in accordance with the applicable rules of practice suspend or terminate any exemption under § 381.10(a) with respect to any person whenever he finds that such action will aid in effectuating the purposes of the Act. Failure to comply with the conditions of the exemption, including, but not limited to, failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption, in addition to any other penalties provided by law.

(b) Except as provided in § 381.10(c), the Administrator may extend the requirements of the Act to any establishment in any State or organized territory at which poultry products are processed for distribution solely within such jurisdiction if he determines in accordance with the provisions of subparagraph 5(c)(1) of the Act that the establishment is producing adulterated poultry products which would clearly endanger the public health.

§ 381.14 Inspection concerning purportedly exempted operations.

Inspectors of the Inspection Service are authorized to make inspections accordance with law to ascertain whether any of the provisions of the Act or the regulations applying to producers, retailers, or other persons purporting to be exempted from any requirements under this subpart have been violated.



§ 381.15 Exemption from definition of "poultry product" of certain human food products containing poultry.

The following articles contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. Therefore said articles are exempted from the definition of "poultry product" and the requirements of the Act and the regulations applicable to poultry products, if they comply with the conditions specified in this section.

(a) Any human food product (in a consumer package) not provided for in paragraph (c) of this section, if:

\* (1) It contains less than 2 percent cooked poultry meat (deboned white  
\* or dark poultry meat, or both) and/or "Mechanically Separated (Kind of  
\* Poultry)" as defined in § 381.173; \*

\* (2) It contains less than 10 percent of cooked poultry skins, giblets,  
\* or fat, separately, and less than 10 percent of cooked poultry skins,  
\* giblets, fat, and meats (as meat is limited in subparagraph (a)(1) of this  
\* section) or "Mechanically Separated (Kind of Poultry)" as defined in  
\* § 381.173, in any combination; \*

(3) The poultry ingredients used in the product were prepared under inspection as defined in § 381.1, or were inspected under a foreign inspection system approved under § 381.196(b) and imported in compliance with the Act and the regulations;

(4) The immediate container of the product bears a label which shows the name of the product in accordance with this section; and (5) the product is not represented as a poultry product. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared according to the serving directions on the consumer package.

(b) Any human food product (in an institutional pack), not provided for in paragraph (c) of this section, if:

(1) It is prepared for sale only to institutional users, such as hotels, restaurants, and boardinghouses, for use as a soup base or flavoring;

\* (2) It contains less than 15 percent cooked poultry meat (deboned white  
\* or dark poultry meat, or both) and/or "Mechanically Separated (Kind of  
\* Poultry)" as defined in § 381.173, computed on the basis of the moist  
\* deboned, cooked poultry meat and/or "Mechanically Separated (Kind of  
\* Poultry)" as defined in § 381.173 in such product; and \*

(3) It complies with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects.

(c) Bouillon cubes, poultry broths, gravies, sauces, seasonings, and flavorings if:

\* (1) They contain poultry meat and/or "Mechanically Separated (Kind of  
\* Poultry)" as defined in § 381.173 or poultry fat only in condimental  
quantities; and \*

(2) They comply with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects; and (3) in the case of poultry broth, it will not be used in the processing of any poultry product in any official establishment.

(d) Fat capsules and sandwiches containing poultry products if they comply with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects.

(c)(1) The information panel is that part of a label that is the first surface to the right of the principal display panel as observed by an individual facing the principal display panel, with the following exceptions:

(i) If the first surface to the right of the principal display panel is too small to accommodate the required information or is otherwise unusable label space, e.g., folded flaps, tear strips, opening flaps, heat-sealed flaps, the next panel to the right of this part of the label may be used.

(ii) If the package has one or more alternate principal display panels, the information panel is to the right of any principal display panel.

(iii) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(2)(i) Except as otherwise permitted in this part, all information required to appear on the principal display panel or permitted to appear on the information panel shall appear on the same panel unless there is insufficient space. In determining the sufficiency of the available space, except as otherwise prescribed in this part, any vignettes, designs, and any other nonmandatory information shall not be considered. If there is insufficient space for all required information to appear on a single panel, it may be divided between the principal display panel and the information panel, provided that the information required by any given provision of this part, such as the ingredients statement, is not divided and appears on the same panel.

(ii) All information appearing on the information panel pursuant to this section shall appear in one place without intervening material, such as designs or vignettes.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

\* § 381.117 Name of product and other labeling.

\*

(a) The label shall show the name of the product, which, in the case of a poultry product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Subpart P, shall be the name of the food specified in the standard, and in the case of any other poultry product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation.

(b) The name of the product required to be shown on labels for fresh or frozen raw whole carcasses of poultry shall be in either of the following forms: The name of the kind (such as chicken, turkey, or duck) preceded by the qualifying term "young" or "mature" or "old", whichever is appropriate; or the appropriate class name as described in § 381.170(a). The name of the kind may be used in addition to the class name, but the name of the kind alone without the qualifying age or class term is not acceptable as the name of the product, except that the name "chicken" may be used without such qualification with respect to a ready-to-cook pack of fresh or frozen cut-up young chickens, or a half of a young chicken, and the name "duckling" may be



used without such qualification with respect to a ready-to-cook pack of fresh or frozen young ducks. The class name may be appropriately modified by changing the word form, such as using the term "roasting chicken", rather than "roaster." The appropriate names for cut-up parts are set forth in § 381.170 (b). When naming parts cut from young poultry, the identity of both the kind of poultry and the name of the part shall be included in the product name. The product name for parts or portions cut from mature poultry shall include, along with the part or portion name, the class name or the qualifying term "mature." The name of the product for cooked or heat processed poultry products shall include the kind name of the poultry from which the product was prepared but need not include the class name or the qualifying term "mature."

(c) Poultry products containing light and dark chicken or turkey meat in quantities other than the natural proportions, as indicated in Table 1 in this paragraph, must have a qualifying statement in conjunction with the name of the product indicating, as shown in Table 1, the types of meat actually used, except that when the product contains less than 10 percent cooked deboned poultry meat or is processed in such a manner that the character of the light and dark meat is not distinguishable, the qualifying statement will not be required, unless the product bears a label referring to the light or dark meat content. In the latter case, the qualifying statement is required if the light and dark meat are not present in natural proportions. The qualifying statement must be in type at least one-half the size and of equal boldness as the name of the product; e.g., Boned Turkey (Dark Meat).

Table 1

Label terminology	Percent light meat	Percent dark meat
Natural proportions.....	50-65.....	50-35.
Light or white meat.....	100.....	0.
Dark meat.....	0.....	100.
Light and dark meat.....	51-65.....	49-35.
Dark and light meat.....	35-49.....	65-51.
Mostly white meat.....	66 or more.....	34 or less.
Mostly dark meat.....	34 or less.....	66 or more.

(d) Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g., emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of skin and fat, as they occur in the whole carcass, shall also include terminology that describes the actual composition. If the product is cooked, it shall be so labeled. For the purpose of this paragraph, natural proportions of skin, as found on a whole chicken or turkey carcass, will be considered to be as follows:



	<u>Raw</u>	<u>Cooked</u>
	<u>Percent</u>	
Chicken.....	20	25
Turkey.....	15	20

Boneless poultry product shall not have a bone solids content of more than 1 percent, calculated on a weight basis.

- \* (e) On the label of any "Mechanically Separated (Kind of Poultry)" \*  
\* described in § 381.173, the name of such product shall be followed \*  
\* immediately by the phrase: "with excess skin" unless such product is made \*  
\* from poultry product that does not include skin in excess of the natural \*  
\* proportion of skin present on the whole carcass, as specified in paragraph \*  
\* (d) of this section. Appropriate terminology on the label shall indicate \*  
\* if heat treatment has been used in the preparation of the product. The \*  
\* labeling information described in this paragraph shall be identified on the \*  
\* label before the product leaves the establishment at which it is \*  
\* manufactured. \*

§ 381.118 Ingredients statement.

(a)(1) The label shall show a statement of the ingredients in the poultry product if the product is fabricated from two or more ingredients. Such ingredients shall be listed by their common or usual names in the order of their descending proportions, except as prescribed in paragraph (a)(2) of this section.

(2)(i) Product ingredients which are present in individual amounts of 2 percent or less by weight may be listed in the ingredients statement in other than descending order of predominance: Provided, That such ingredients are listed by their common or usual names at the end of the ingredients statement and preceded by a quantifying statement, such as "Contains \_\_\_\_\_ percent or less of \_\_\_\_\_," or "Less than \_\_\_\_\_ percent of \_\_\_\_\_." The percentage of the ingredient(s) shall be filled in with a threshold level of 2 percent, 1.5 percent, 1.0 percent, or 0.5 percent, as appropriate. No ingredient to which the quantifying statement applies may be present in an amount greater than the stated threshold. Such a quantifying statement may also be utilized when an ingredients statement contains a listing of ingredients by individual components. Each component listing may utilize the required quantifying statement at the end of each component ingredients listing.

(ii) Such ingredients may be adjusted in the product formulation without a change being made in the ingredients statement on the labeling, provided that the adjusted amount complies with § 381.147(f)(4) and subpart P of this Part, and does not exceed the amount shown in the quantifying statement. Any such adjustments to the formulation shall be provided to the inspector-in-charge.

(b) For the purpose of this paragraph, the term "chicken meat," unless modified by an appropriate adjective, is construed to mean deboned white and dark meat; whereas the term "chicken" may include other edible parts such as skin and fat not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to list each such ingredient. Similar principles shall be followed in listing ingredients of poultry products processed from other kinds of poultry.

(c) The terms spice, natural flavor, natural flavoring, flavor or flavoring may be used in the following manner:

(1) The term "spice" means any aromatic vegetable substance in the whole, broken, or ground form, with the exceptions of onions, garlic and celery, whose primary function in food is seasoning rather than nutritional and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include the spices listed in 21 CFR 182.10, and 184.

(2) The term "natural flavor," "natural flavoring," "flavor" or "flavoring" means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or any other edible portions of a plant, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose primary function in food is flavoring rather than nutritional. Natural flavors include the natural essence or extractives obtained from plants listed in 21 CFR 182.10, 182.20, 182.40, 182.50 and 184, and the substances listed in 21 CFR 172.510. The term natural flavor, natural flavoring, flavor or flavoring may also be used to designate spices, powdered onion, powdered garlic, and powdered celery.

(i) Natural flavor, natural flavoring, flavor or flavoring as described in paragraph (c)(1) and (2) of this section, which are also colors shall be designated as "natural flavor and coloring," "natural flavoring and coloring," "flavor and coloring" or "flavoring and coloring" unless designated by their common or usual name.

(ii) Any ingredient not designated in paragraph (c)(1) and (2) of this section whose function is flavoring, either in whole or in part, must be designated by its common or usual name. Those ingredients which are of livestock or poultry origin must be designated by names that include the species and livestock and poultry tissues from which the ingredients are derived.

(d) On containers of frozen dinners, entrees, and pizzas, and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel: Provided, That the words "see ingredients," followed immediately by an arrow pointing to the front riser panel, are placed on the principal display panel immediately above the location of such statement, without intervening printing or designs.

(e) The ingredients statement may be placed on the information panel, except as otherwise permitted in this subchapter.

#### § 381.119 Declaration of artificial flavoring or coloring.

(a) When an artificial smoke flavoring or a smoke flavoring is added as an ingredient in the formula of any poultry product, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as applicable, and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring added as an ingredient in the formula of the poultry product.



(12) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(13) "Breast quarter" consists of half a breast with the wing and a portion of the back attached.

(14) "Breast quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(15) "Leg quarter" consists of a poultry thigh and drumstick, with a portion of the back attached.

(16) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(17) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(18) "Wing drumette" consists of the humerus of a poultry wing with adhering skin and meat attached.

(19) "Wing portion" consists of a poultry wing except that the drumette has been removed.

(20) "Cutup Poultry" is any cutup or disjointed portion of poultry or any edible part thereof, as described in this section.

(21) "Giblets" consist of approximately equal numbers of hearts, gizzards, and livers, as determined on a count basis.

§ 381.171 Definition and standard for "Turkey Ham."

(a) "Turkey Ham" shall be fabricated from boneless, turkey thigh meat with skin and the surface fat attached to the skin removed. The thighs shall be that cut of poultry described in § 381.170(b)(5) of this Part.

(b) The product may or may not be smoked, and shall be cured using one or more of the approved curing agents as provided in § 381.147(f) of this Part. The product may also contain cure accelerators, phosphates, and flavoring agents as provided in § 381.147(f) of this Part; common salt, sugars, spices, spice extractives, dehydrated garlic, and dehydrated onions; and water for purpose of dissolving and dispersing the substances specified above.

(c) The cooked finished product weight shall be no more than the original weight of the turkey thigh meat used prior to curing.

(d) The product name on the label shall show the word "Turkey" in the same size, style, color, and with the same background as the word "Ham" and shall precede and be adjacent to it.

(e) The product name shall be qualified with the statement "Cured Turkey Thigh Meat." The qualifying statement shall be contiguous to the product name, without intervening type or designs, shall be not less than one-half the size of the product name but not less than one-eighth inch in height, and shall be in the same style and color and with the same background as the product name.

(f) If the product is fabricated from pieces of turkey thigh meat that result from the cutting through the muscle (as opposed the whole thighs intact or whole thighs with some incidental separation of muscle tissue during removal of the bone), the product name shall be further qualified by a descriptive statement. The product name of product fabricated from such pieces of turkey thigh meat equivalent in size to a one-half inch cube or greater shall be further qualified to specify that the product is "Chunked and Formed." The product name of product fabricated from such pieces of turkey thigh meat smaller than the equivalent of a one-half inch cube shall



be further qualified to specify that the product is "Ground and Formed" or "Chopped and Formed" as appropriate. The qualifying statement shall immediately follow and be contiguous to the statement required in paragraph (e) of this section, and shall be not less than one-half the size of the product name but not less than one-eighth inch in height, and shall be in the same style and color and with the same background as the product name.

\* § 381.173 Mechanically Separated (Kind of Poultry). \*

\* (a) "Mechanically Separated (Kind of Poultry)" is any product \*  
\* resulting from the mechanical separation and removal of most of the bone \*  
\* from attached skeletal muscle and other tissue of poultry carcasses and \*  
\* parts of carcasses that has a paste-like form and consistency, that may \*  
\* or may not contain skin with attached fat and meeting the other provisions \*  
\* of this section. Examples of such product are "Mechanically Separated \*  
\* Chicken" and "Mechanically Separated Turkey."

\* (b) "Mechanically Separated (Kind of Poultry)" shall not have a bone \*  
\* solids content of more than 1 percent. At least 98 percent of the bone \*  
\* particles present in "Mechanically Separated (Kind of Poultry)" shall \*  
\* have a maximum size no greater than 1.5 mm (millimeter) in their greatest \*  
\* dimension and there shall be no bone particles larger than 2.0 mm in their \*  
\* greatest dimension.

\* (c) "Mechanically Separated (Kind of Poultry)" shall not have a \*  
\* calcium content exceeding 0.235 percent when made from mature chickens or \*  
\* from turkeys as defined in § 381.170(a)(1)(vi) and (vii) and (a)(2), \*  
\* respectively, or 0.175 percent when made from other poultry, based on the \*  
\* weight of product that has not been heat treated, as a measure of a bone \*  
\* solids content of not more than 1 percent.

\* (d) "Mechanically Separated (Kind of Poultry)" may be used in the \*  
\* formulation of poultry products in accordance with § 381.174 and meat food \*  
\* products in accordance with subchapter A of this chapter.

\* (e) Product resulting from the mechanical separation process that \*  
\* fails to meet the bone particle size or calcium content requirements for \*  
\* "Mechanically Separated (Kind of Poultry)" shall be used only in producing \*  
\* poultry extractives, including fats, stocks, and broths and labeled as \*  
\* "Mechanically Separated (Kind of Poultry) for Further Processing."

\* § 381.174 Limitations with respect to use of Mechanically Separated (Kind \*  
\* of Poultry). \*

\* (a) A poultry product required to be prepared from a particular kind \*  
\* of poultry (e.g., chicken) shall not contain "Mechanically Separated (Kind \*  
\* of Poultry)" described in § 381.173, that is made from any other kind of \*  
\* poultry (e.g., Mechanically Separated Turkey).

\* (b) "Mechanically Separated (Kind of Poultry)" described in § 381.173 \*  
\* may be used in the formulation of any poultry or meat food product, \*  
\* provided such use conforms with any applicable requirements of the \*  
\* definitions and standards of identity or composition in this subchapter or \*  
\* part 319 of this chapter, and provided that it is identified as \*  
\* "Mechanically Separated (Kind of Poultry)."

Subpart Q-Records, Registration, and Reports

§ 381.175 Records required to be kept.

(a) Every person within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep such records as are properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, or part or product of a poultry carcass, is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other articles;

(ii) The net weight of the poultry or other articles;

(iii) The number of outside containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Guaranties provided by suppliers of packaging materials under § 381.144.

(3) Records of canning as required by Subpart X of this Part 381, of Subchapter C, 9 CFR, Chapter III.

(4) Records of irradiation as required by section 381.149 of this Part.

(5) Records of nutrition labeling as required by Subpart Y of this Part.

(Approved by the Office of Management and Budget under OMB #0583-0015)

§ 381.176 Place of maintenance of records.

Every person engaged in any business described in § 381.175(a) shall maintain the records required by § 381.175 at the place of business where such



(§ 381.176 continued)

business is conducted, except that, if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

§ 381.177 Record retention period.

(a) Every record required to be maintained under this subpart shall be retained for a period not to exceed 2 years after December 31 of the year in which the transaction to which the record relates has occurred, and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such record under this subpart.

(b) Records of canning as required by Subpart X of this Part 381, Subchapter C, 9 CFR Chapter III, shall be retained as required in § 381.307; except that records required by § 381.302(b) and (c) shall be retained as required by those sections.

§ 381.178 Access to and inspection of records, facilities and inventory; copying and sampling.

Every person within any of the classes specified in § 381.175(a) shall, upon the presentation of official credentials by any authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 381.175(b) and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Secretary.

§ 381.179 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engages in business in commerce as a